

**BOARD OF APPEALS CASE NO. 4811**

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**BEFORE THE**

**APPLICANTS: Mark & Marcella Busch**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an  
in-ground swimming pool with decking  
within the required front yard setback;  
1421 Banstead Court, Bel Air**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 4/8/98 & 4/15/98**

**HEARING DATE: June 10, 1998**

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**Record: 4/10/98 & 4/17/98**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Mark and Marcella Busch, appeared before the Hearing Examiner requesting a variance to Section 267-26(C)(4) of the Harford County Code, to construct a swimming pool with a concrete deck within the required front yard setback in an R2/COS District.

The subject parcel is located at 1421 Banstead Court in the Third Election District. The parcel is identified as Parcel No. 549, in Grid 4-D, on Tax Map 41. The parcel contains .252 acres, more or less, all of which is zoned R2/COS.

Mr. Mark Busch appeared and testified that he is requesting a variance to construct an in ground swimming pool with a concrete deck within the required front yard setback. The Applicant said the pool will have dimensions of 18 feet by 38 feet and the pool will be 14 feet from the rear yard setback and 12 feet from the front yard setback along Crescent Knoll Road. The Applicant said the subject parcel is unique because it has two front yard setbacks, which reduce the usable area on the parcel. The witness said that the topography of the parcel dictated the proposed location for the pool and that he did not feel the pool would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because there are other pools in the community.

The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

“The property is mostly level; however, it slopes sharply away from the house to the opposite rear corner (away from Crescent Knoll Drive). The area of the proposed pool is level; however, it is impaired by a front yard setback. The adjacent property to the rear is buffered by trees and landscape.”

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**CONCLUSION:**

The Applicants are requesting a variance to Section 267-26(C)(4) of the Harford County Code, to construct a swimming pool with a concrete deck. Section 267-26(C)(4) provides:

“No accessory use or structure shall be established front yard, except agricultural, signs, walls or parking areas and projections or garages as specified in Section 267-23(C), Exceptions and modifications to minimum yard requirements.”

The Applicant is proposing a 12 foot front yard setback from Crescent Knoll Drive. The Applicant testified the parcel is unique because he must comply with two front yard setbacks and topographically the most appropriate place for the swimming pool is the area proposed by the Applicant. The Applicant also said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because there are other pools in the community.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant and that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the condition that the Applicant obtain all necessary permits and inspections for the swimming pool.

Date            JULY 15, 1998

L. A. Hinderhofer  
Zoning Hearing Examiner